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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 **IN RE STATIC RANDOM ACCESS) Master File 4:07-md-01819-CW**
12 **MEMORY (SRAM) ANTITRUST)**
13 **LITIGATION)**
14 **-----)**
15 **This Document Relates to:)**
16 **ALL DIRECT)**
17 **PURCHASER ACTIONS)**
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ORDER GRANTING FINAL APPROVAL
OF SETTLEMENT WITH CYPRESS AND
SAMSUNG AND PLAN OF ALLOCATION
Date: June 30, 2011
Time: 2:00 p.m.
Courtroom: 2, 4th Floor
Judge: Hon. Claudia Wilken

1 On June 30, 2011, Direct Purchaser Plaintiffs' Motion for Approval of Settlements with
 2 Samsung and Cypress and Plan of Allocation, and Issuance of Class Notice (Dkt. No. 1330)
 3 came on for hearing before this Court. Notice was given as required by the Federal Rules of
 4 Civil Procedure, the Civil Local Rules of this Court, and this Court's orders of March 28, 2011
 5 (Order Regarding Modifications to Class Notifications (Dkt. No. 1346) and Order Granting
 6 Preliminary Approval of Settlements with Samsung and Cypress and Plan of Allocation, and
 7 Issuance of Class Notice (Dkt. No. 1345) and March 30, 2011 (Order Granting Proposed Forms
 8 of Class Notice (Dkt. no. 1349)). Proof of dissemination of notice was provided to the Court
 9 through the declarations of Markham Sherwood from Gilardi & Co., LLC and Albert Fox from
 10 *The Wall Street Journal* (Dkt. no. 1355).

11 The Court, after carefully considering all papers filed and proceedings held herein and
 12 otherwise being fully informed in the premises, has determined (1) that the Settlements with
 13 Samsung and Cypress and Plan of Allocation should be approved, (2) the motion for award of
 14 attorney's fees, reimbursement for expenses, and incentive award should be approved and, (3)
 15 that there is no just reason for delay of the entry of final Judgment approving the Settlement.
 16 Accordingly, the Court directs entry of Judgment which shall constitute a final adjudication of
 17 this case on the merits as to the parties to the Settlement.

18 1. The Court has jurisdiction over the subject matter of this litigation, and all actions
 19 within this litigation and over the parties to the Settlement, including all members of the Class
 20 and the Defendants.

21 2. Notice of Plaintiffs' Motion for Approval of Settlements with Samsung and
 22 Cypress, Plan of Allocation and Issuance of Class Notice was provided to the Class, including in
 23 notice of the Settlements that was disseminated via direct mail and email, as well as by
 24 publication in the national edition of *The Wall Street Journal*, and through posting on the
 25 website established for this case, www.sramcase.com. Such notice was given in accordance with
 26 this Court's order preliminarily approving the Settlements. *See* Dkt. No. 1355. Proof that such
 27 notice was provided in accordance with the Court's order was provided by virtue of the
 28 declarations of Markham Sherwood from Gilardi & Co., LLC and Albert Fox from *The Wall*

1 *Street Journal*. Such notice adequately advised the Class of the proposed Plan of Allocation and
 2 their right to object to it. Full and fair opportunity was provided to the members of the Class to
 3 be heard regarding the proposed Plan of Allocation and the notice requirements of Rule 23(e) of
 4 the Federal Rules of Civil Procedure and due process have been satisfied.

5 3. There have been no objections to the Settlements, the Plan of Allocation, or the
 6 motion for award of attorney's fees, reimbursement for expenses, and incentive award.

7 4. Direct Purchaser Plaintiffs' settlement with Cypress Semiconductor Corporation
 8 for \$6,250,000.00 is fair, reasonable, and adequate. The settlement was reached only after
 9 protracted, arms-length negotiations, including with the assistance of an experienced mediator.
 10 The settlement was reached only after extensive litigation, the completion of fact and expert
 11 discovery, motion practice including motions to dismiss, motions to certify the class, motions to
 12 decertify the class, and motions for summary judgment. The action was set for trial, and the
 13 Court had conducted a pretrial conference and ruled on motions *in limine* prior to the settlement.
 14 Counsel for the class is experienced and knowledgeable in class action and antitrust litigation,
 15 and believes that the settlement amount is fair and reasonable in light of the potential risks posed
 16 by trial and appeal. Accordingly, the Court grants final approval of the settlement with Cypress
 17 Semiconductor Corporation.

18 5. Direct Purchaser Plaintiffs' settlement with Samsung Electronics Corporation,
 19 Ltd. and Samsung Semiconductor, Inc. for \$33,250,000 is fair, reasonable, and adequate. As
 20 with the settlement with Cypress referred to above, the settlement was reached only after
 21 protracted, arms-length negotiations, including with the assistance of an experienced mediator.
 22 The settlement was reached only after extensive litigation, the completion of fact and expert
 23 discovery, motion practice including motions to dismiss, motions to certify the class, motions to
 24 decertify the class, motions for summary judgment, and a motion to certify for interlocutory
 25 appeal pursuant to 28 U.S.C. § 1292(b). The settlement with Samsung was arrived at only on
 26 the weekend before trial was to begin, and after the Court had conducted two pretrial
 27 conferences and ruled on motions *in limine*. Counsel for the class is experienced and
 28 knowledgeable in class action and antitrust litigation, and believes that the settlement amount is

1 fair and reasonable in light of the potential risks posed by trial and appeal. Accordingly, the
2 Court grants final approval of the settlement with Samsung Electronics Corporation, Ltd. and
3 Samsung Semiconductor, Inc.

4 6. The Plan of Allocation set forth in the notice of the Settlements is, in all respects,
5 fair, adequate and reasonable to the Class. Accordingly, the Court hereby grants final approval of
6 the Plan of Allocation.

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8 **IT IS SO ORDERED.**

9

10 11 Date: June 30, 2011.

12 13 
14 15 JUDGE CLAUDIA WILKEN
16 17 UNITED STATES DISTRICT JUDGE

18 19 *Submitted by:*

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